

**REPORT OF THE  
JOINT GOVERNMENTAL OPERATIONS SUBCOMMITTEE ON  
JUSTICE AND PUBLIC SAFETY MEETING**

Tuesday, November 4, 2003

**The Justice & Public Safety Subcommittee accepted the following reports:**

**Administrative Office of the Courts**

- **Request to Establish Receipt-Supported Positions:** The Subcommittee approved requests to fund twelve receipt-supported positions for the Courts. Receipts from federal agencies, the Governor's Highway Safety Program, and county governments will fund these positions. Eleven of these positions will function at the local level providing direct services, while the other will be housed in AOC in the Guardian Ad Litem program to provide appellate coordination and services for children in abuse, neglect, and dependency cases.
- **Report on Collections and Use of Funds in Court Information Technology Fund:** The Subcommittee received a report on collections for the Court Information Technology Fund, totaling \$1.5 million for the period December 1, 2002, through September 30, 2003. The report also identified expenditures from this fund: information technology equipment (hardware and software); previously approved receipt-supported positions; and the AOC share of a collaborative technology project with Mecklenburg County.
- **Request to Use Available Funds to Match Federal Grants:** The Subcommittee approved requests to use \$1.25 million from available funds to match federal grants.
- **Report on Cash Balance in Worthless Check Fund as of June 30, 2003:** The Subcommittee received a report detailing the use of \$19,000 remaining in the Worthless Check fund. These funds were used to repair and replace office equipment in local judicial branch offices.

**Department of Juvenile Justice and Delinquency Prevention**

- **Request to Establish Receipt-Supported Positions:** The Subcommittee approved requests to fund two receipt-supported positions: a Geographic Information System (GIS) Analyst and a 7 month position to assist in training of teachers at Samarkand Youth Development Center, a facility for female offenders.

**Department of Crime Control and Public Safety**

- **Request to Establish Receipt-Supported Positions:** The Subcommittee approved requests to fund 9 receipt-supported positions in the Alcohol Law Enforcement (ALE), Emergency Management (EMD), and NC National Guard (NCNG) Divisions. ALE will establish an administrative assistant position funded by a federal grant to reduce underage drinking (75 percent) and forfeiture receipts (25 percent). The six positions to be established in the Emergency Management Division will be fully supported by funds from the U.S. Department of Homeland Security. These positions will provide training and technical assistance to local and state officials to implement homeland security

related initiatives. The NC National Guard Division will use funds from the U.S. Department of Defense to establish two engineer positions to administer repair and construction projects at armories and training facilities.

- **Request to Use Seized and Forfeited Assets:** The Subcommittee approved requests from the State Highway Patrol and Alcohol Law Enforcement (ALE) Divisions to use seized and forfeited assets. The State Highway Patrol requested approval to use \$1,389,071 for various equipment purchases and the construction of a shelter and storage building at the driving track. ALE requested approval to use \$203,622 to purchase mobile data terminals and as state matching funds for a federal grant to reduce underage drinking. A portion of the state match funds will be used to establish a position to support the grant.

#### **Department of Correction**

- **Request to Use Available Funds to Match Federal Grants:** The Subcommittee approved a request to use \$43,625 in lapsed salaries to match a federal Crime Commission grant of \$174,500 to improve Internet-based offender information systems.
- **Consultation on Contract for Construction of New Prisons:** HB 397 authorized DOC to contract for construction of three additional 1,000-bed prisons (prisons 4, 5, and 6) with the firm that constructed three prisons authorized in 2001. HB 397 also required that contract terms must be approved as “**reasonable and desirable**” by DOA, the Treasurer’s Office and Council of State. The Subcommittee heard a presentation by DOC on a proposed contract for prisons 4 and 5. DOA and the Treasurer’s Office endorsed the contract price and terms. The subcommittee recommended that the contract proposal be accepted and moved forward to full Governmental Operations and then to the Council of State for final review. Prison #6 will be considered separately in early 2004. The Subcommittee urged DOC and DOA to ensure the vendor makes maximum effort to use NC labor and businesses in the construction of the prison.
- The Subcommittee also recommended that full Governmental Operations consider endorsing a Special Session of the General Assembly to pass legislation that exempts Prison #6 in Columbus County from recent changes in the North Carolina Building code. HB 397 exempts Prisons 4 and 5 from meeting new building codes as long as construction starts before January 1, 2004 but did not exempt prison #6. Estimated design and construction savings are at least \$2.5 million if an exemption is authorized.

#### **Department of Justice**

- **Request to Establish Receipt-Supported Positions:** The Subcommittee approved requests to fund 13 receipt-supported positions. These positions include (1) three attorneys: using \$98,462 in receipts from the Department of Environmental and Natural Resources for an Attorney IV to provide legal assistance to on hazardous waste, brownfields and related permitting and environmental enforcement issues; \$85,000 in receipts from the Department of Juvenile Justice and Delinquency Prevention for an Attorney II to provide legal assistance; and, \$63,750 in receipts from the NC Banking Commission for a 0.75 Attorney III position to will represent the State Banking

Commission and assist in prosecuting financial crimes and creating tax exempt trusts (2) one Administrative Officer positions using \$47,305 in grant funds from the U.S. Department of Justice (DOJ) to oversee implementation of the North Carolina Safe Neighborhoods Project, which aims to reduce gun violence; (3) using \$745,122 from a two-year US Department of Justice Telemarketing Fraud Grant to create a seven-member team to enforce telemarketing fraud and consumer privacy provisions in the newly enacted state and federal do-not-call regulations and (4) The Department requested approval to use \$99,400 in grant funds from the Governor's Crime Commission and the U.S. DOJ to fund two positions relating to child sexual assault and abuse investigations: a Training Specialist to provide training support and assistance to SBI agents specializing in Child Sexual Assault and Abuse investigations, and a Laboratory Analyst to assist in screening for biological evidence in cases involving child victims.

- **Attorney General Report of Settlements or Potential Litigation Exceeding \$75,000:** The Chief of Staff to the Attorney General, reported on 25 agreements that involved the payment of public monies in the sum of \$75,000 or more. The majority of these agreements involved worker's compensation claims. The largest agreement was a \$12 million settlement for a case involving condemnation of 2,300 acres of land in Transylvania and Henderson Counties (*State v. Waterfall Investment Group*). Other settlements for more than \$200,000 included \$685,000 in a claim for breach of contract against NCSU (*Banta Corp v. BOG of Univ of NC*) and \$390,000 for a tort claim for a spinal injury (*Poth, Milton v. Dept. of Transportation*).
- **Attorney General Report of Pending Lawsuits Seeking at least \$1,000,000 or Challenging the Constitutionality of NC Statutes:** The Chief of Staff reported on 85 cases in which plaintiffs seek in excess of \$1 million in damages – including 39 highway condemnation cases and 17 prisoner litigation cases – and 28 cases in which the constitutionality of a North Carolina law has been challenged.
- **Summary of Settlements Disbursed:** The Chief of Staff reported on five settlement agreements and six court orders in favor of the State. This report summarized letters that had been sent to the Senate President pro Tempore, the Speakers of the House, and the chairs of the Joint Legislative Commission on Governmental Operations and the JPS Appropriations Subcommittee. The letters were sent at least 30 days prior to the disbursement of funds resulting from the settlements and court orders; disbursements ranged from \$18,000 to more than \$10 million.
- **Request to Use Seized and Forfeited Assets:** The Subcommittee approved requests from the Director of the State Bureau of Investigation to use approximately \$900,000 in federal seized and forfeited assets. The Bureau will use approximately \$330,000 as matching funds for grants for a clandestine lab/terrorism response vehicle, equipment and supplies for new DNA agent positions, videophones for crisis negotiators, upgrades to the State Automated Fingerprint Identification System, training for agents in the Toxicology Unit, assistance for Child Sexual Assault Investigations, and Homeland Security Overtime Funding. The Bureau will use approximately \$570,000 for law enforcement and bomb technician equipment, law enforcement certification, radio communications

tower lease, and development costs to integrate computer systems within the SBI, the SBI Lab, and the Administrative Office of the Courts.